

### Agency Proposed Budget

The following table summarizes the total executive budget proposal for the agency by year, type of expenditure, and source of funding.

Agency Proposed Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Exec. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Exec. Budget Fiscal 2007	Total Exec. Budget Fiscal 06-07
FTE	19.00	0.00	2.00	21.00	0.00	2.00	21.00	21.00
Personal Services	817,872	109,114	99,512	1,026,498	108,994	99,238	1,026,104	2,052,602
Operating Expenses	482,394	25,734	59,098	567,226	23,101	57,435	562,930	1,130,156
Equipment	15,766	0	0	15,766	0	0	15,766	31,532
Grants	9,203,830	0	4,596,762	13,800,592	0	4,598,562	13,802,392	27,602,984
<b>Total Costs</b>	<b>\$10,519,862</b>	<b>\$134,848</b>	<b>\$4,755,372</b>	<b>\$15,410,082</b>	<b>\$132,095</b>	<b>\$4,755,235</b>	<b>\$15,407,192</b>	<b>\$30,817,274</b>
General Fund	1,623,752	96,420	0	1,720,172	93,673	0	1,717,425	3,437,597
Federal Special	8,896,110	38,428	4,755,372	13,689,910	38,422	4,755,235	13,689,767	27,379,677
<b>Total Funds</b>	<b>\$10,519,862</b>	<b>\$134,848</b>	<b>\$4,755,372</b>	<b>\$15,410,082</b>	<b>\$132,095</b>	<b>\$4,755,235</b>	<b>\$15,407,192</b>	<b>\$30,817,274</b>

### Agency Description

The Montana Board of Crime Control (MBCC) Division was established to promote public safety by strengthening the coordination and performance of the criminal and juvenile justice systems. The MBCC is an 18-member board appointed by the Governor. The MBCC supervises the Crime Control Division (CCD), which provides financial support, technical assistance, and support services to state and local criminal justice agencies. The CCD administers federal anti-drug and anti-crime grants, certifies peace officers and others in the criminal justice system, and provides funding for juvenile justice programs. In addition, CCD collects and analyzes crime data from Montana's law enforcement agencies and publishes the annual "Crime in Montana" report. MBCC is established in law by 2-15-2006, MCA.

The MBCC has two advisory councils: the Peace Officers Standards and Training Council (POST) and the Youth Justice Council (YJC). POST provides training, certification and other services to law enforcement officers and other public safety personnel. POST provides assistance and advice to law enforcement agencies, training academies, local county and city governments, and state agencies. POST also administers the contracts with the Regional Juvenile Detention Grant Program. YJC develops and implements the state's juvenile justice plan, recommends effective educational, training, research, prevention, diversion, treatment and rehabilitation programs. YJC also reviews and approves grant-funding proposals under the Juvenile Justice and Delinquency Act. The MBCC has two task forces: the Crime Reporting and Technology Task Force and the Drug Strategy Task Force.

### Agency Highlights

Crime Control Division Major Budget Highlights	
<ul style="list-style-type: none"> <li>The increase in total funding of almost \$9.8 million is due primarily to: <ul style="list-style-type: none"> <li>An additional 2.0 FTE – 1.0 FTE for a drug court coordination and 1.0 FTE to administer homeland security programs</li> <li>An increase of \$9.3 million for homeland security projects</li> </ul> </li> <li>The increase in general fund is due primarily to statewide adjustments</li> </ul>	
Major LFD Issues	
<ul style="list-style-type: none"> <li>None</li> </ul>	

## Funding

The following table summarizes funding for the agency, by program and source for the base year and for the 2007 biennium as recommended by the Governor.

Program Funding Table Justice System Support Service						
Program Funding	Base FY 2004	% of Base FY 2004	Budget FY 2006	% of Budget FY 2006	Budget FY 2007	% of Budget FY 2007
01100 General Fund	\$ 1,623,752	15.4%	\$ 1,720,172	11.2%	\$ 1,717,425	11.1%
03008 Juvenile Justice Council	718,826	6.8%	718,996	4.7%	718,990	4.7%
03009 Juvenile Accountability	924,021	8.8%	924,021	6.0%	924,021	6.0%
03192 Crime Victim Assistance	1,510,370	14.4%	1,510,370	9.8%	1,510,370	9.8%
03200 Drug Education Assistance	458,408	4.4%	458,408	3.0%	458,408	3.0%
03201 Justice System Enhancements	460,255	4.4%	460,255	3.0%	460,255	3.0%
03343 Criminal History Record Improv	703,112	6.7%	703,112	4.6%	703,112	4.6%
03344 Violence Against Women Act	898,285	8.5%	936,543	6.1%	936,543	6.1%
03414 Drug Enforcement Assistance	2,649,446	25.2%	2,649,446	17.2%	2,649,446	17.2%
03792 Drug Court Plng/Admin	-	-	100,000	0.6%	100,000	0.6%
03793 Homeland Security - Letp	-	-	4,655,372	30.2%	4,655,235	30.2%
03962 Enf. Underage Drinking Laws	359,866	3.4%	359,866	2.3%	359,866	2.3%
03963 Local Law Enforcement Assist	213,521	2.0%	213,521	1.4%	213,521	1.4%
Grand Total	<u>\$ 10,519,862</u>	<u>100.0%</u>	<u>\$ 15,410,082</u>	<u>100.0%</u>	<u>\$ 15,407,192</u>	<u>100.0%</u>

- General fund is used to support:
- Youth Detention Services Grant Program
- Operation of the Peace Officer Standards and Training Program (POST)
- Montana Uniform Crime Reporting System
- General agency administration
- Technical assistance to local law enforcement
- State matching funds for the administration of the Juvenile Justice, Juvenile Accountability, Title V Juvenile Drug Enforcement, Stop Violence Against Women, Residential Substance Abuse Treatment, and Criminal History Record Improvement federal grant programs

General fund match is required for administrative costs and varies as follows:

- 10 percent for the Juvenile Accountability grants
- 25 percent for the Drug Enforcement grant
- 50 percent for Juvenile Planning
- 25 percent for Violence Against Women
- 33.33 percent for Title V Juvenile Drug Enforcement
- 10 percent for Criminal History Record Improvement
- 25 percent for Residential Substance Abuse Treatment

Federal funds are primarily used for pass-through grant programs. However, federal funding is also used for administration of the Juvenile Justice, Juvenile Accountability, Drug Education, Victim assistance, Stop Violence Against Women, Enforce Underage Drinking Laws, Computer Crime Unit, Substance Abuse Treatment, and Drug Enforcement federal grant programs.

### LFD COMMENT

Juvenile Detention Centers – these funds are provided to 5 regional juvenile detention centers located throughout Montana. The detention centers use these funds to provide separate facilities to hold post-adjudicated juvenile offenders away from adult offenders. The general fund amount is \$904,624, which is less than 30 percent of the total cost to run the centers. This is a state mandated program and is funded with general fund.

**Pass Through Grants & Benefits**

The following figure shows the actual pass-through grants and benefits for FY 2004 and the estimated grants and benefits for the 2007 biennium.

Figure 1 Pass Through Grants & Benefits for the 2007 Biennium			
	FY 2004 Actuals	FY 2006 Requested	FY 2007 Requested
<b>General Fund</b>			
Juvenile Detention Centers	\$904,560	\$904,560	\$904,560
Subtotal - General Fund	904,560	904,560	904,560
<b>Federal Fund</b>			
Homeland Security - LETP	-	4,596,762	4,598,562
Drug Free Schools	444,756	444,756	444,756
Victim Assistance	1,433,679	1,433,679	1,433,679
Juvenile Delinquency Prevention	-	-	-
Criminal History Records Improvement	703,112	703,112	703,112
Violence Against Women	851,243	851,243	851,243
Drug Enforcement	2,465,480	2,465,480	2,465,480
Juvenile Justice	619,262	619,262	619,262
Substance Abuse Treatment	416,399	416,399	416,399
Law Enforcement Assistance	213,521	213,521	213,521
Juvenile Accountability Incentive	809,818	809,818	809,818
Enforce Underage Drinking Laws	342,000	342,000	342,000
Subtotal - Federal Fund	\$8,299,270	\$12,896,032	\$12,897,832
Total Grants & Benefits	<u>\$9,203,830</u>	<u>\$13,800,592</u>	<u>\$13,802,392</u>

**Biennium Budget Comparison**

The following table compares the executive budget request in the 2007 biennium with the 2005 biennium by type of expenditure and source of funding. The 2005 biennium consists of actual FY 2004 expenditures and FY 2005 appropriations.

Biennium Budget Comparison								
Budget Item	Present Law Fiscal 2006	New Proposals Fiscal 2006	Total Exec. Budget Fiscal 2006	Present Law Fiscal 2007	New Proposals Fiscal 2007	Total Exec. Budget Fiscal 2007	Total Biennium Fiscal 04-05	Total Exec. Budget Fiscal 06-07
FTE	19.00	2.00	21.00	19.00	2.00	21.00	19.00	21.00
Personal Services	926,986	99,512	1,026,498	926,866	99,238	1,026,104	1,715,108	2,052,602
Operating Expenses	508,128	59,098	567,226	505,495	57,435	562,930	1,023,768	1,130,156
Equipment	15,766	0	15,766	15,766	0	15,766	22,782	31,532
Grants	9,203,830	4,596,762	13,800,592	9,203,830	4,598,562	13,802,392	24,821,375	27,602,984
Total Costs	\$10,654,710	\$4,755,372	\$15,410,082	\$10,651,957	\$4,755,235	\$15,407,192	\$27,583,033	\$30,817,274
General Fund	1,720,172	0	1,720,172	1,717,425	0	1,717,425	3,274,487	3,437,597
Federal Special	8,934,538	4,755,372	13,689,910	8,934,532	4,755,235	13,689,767	24,308,546	27,379,677
Total Funds	\$10,654,710	\$4,755,372	\$15,410,082	\$10,651,957	\$4,755,235	\$15,407,192	\$27,583,033	\$30,817,274

**Present Law Adjustments**

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget proposed by the executive. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments										
-----Fiscal 2006-----						-----Fiscal 2007-----				
Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					109,114					108,994
Inflation/Deflation					(1,337)					(1,287)
Fixed Costs					14,811					15,060
<b>Total Statewide Present Law Adjustments</b>					<b>\$122,588</b>					<b>\$122,767</b>
DP 1 - POST Revocation Hearings										
	0.00	12,260	0	0	12,260	0.00	9,328	0	0	9,328
<b>Total Other Present Law Adjustments</b>										
	<b>0.00</b>	<b>\$12,260</b>	<b>\$0</b>	<b>\$0</b>	<b>\$12,260</b>	<b>0.00</b>	<b>\$9,328</b>	<b>\$0</b>	<b>\$0</b>	<b>\$9,328</b>
<b>Grand Total All Present Law Adjustments</b>					<b>\$134,848</b>					<b>\$132,095</b>

Statewide present law adjustments consist of:

- 1) The increase in personal service costs of \$109,114 in FY 2006 and \$108,994 in FY 2007 is mostly due to about \$190,100 in pay and benefits for positions that were vacant during part of the base year but fully funded in the budget, and about \$28,000 for the 25 cent pay increase and benefit adjustment for the staff members, approved by the 2003 Legislature.
- 2) Fixed cost increases are primarily for SABHRS storage costs

Other Present law adjustments consist of:

DP 1 - POST Revocation Hearings - The executive requests \$12,260 in FY 2006 and \$9,328 in FY 2007 in general fund to pay the state's Legal Service Division of the Department of Justice (DOJ) for legal services. Legal services are required to defend the department in lawsuits that arise due to the department's decertification of peace officers. Certification and decertification of peace officers is a function of the state. Occasionally the MBCC is sued when it decertifies a peace officer for violations of state policy.

<b>LFD COMMENT</b>	Beginning in 1993 the Montana Board of Crime Control (MBCC) was statutorily authorized in 44-4-301(2)(b), MCA to develop procedures for revoking or suspending the certification of peace officers, detention officers, detention center administrators, public safety communications officers, probation and parole officers, corrections officers, and commercial vehicle inspectors. Section 7-32-303(8), MCA makes it a misdemeanor offense to act in those capacities after a certificate has been revoked or suspended.									

## New Proposals

New Proposals										
-----Fiscal 2006-----						-----Fiscal 2007-----				
Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 2 - Drug Court Coordinator										
01	1.00	0	0	100,000	100,000	1.00	0	0	100,000	100,000
DP 3 - Homeland Security - Law Enforcement Terrorism Prev										
01	1.00	0	0	4,655,372	4,655,372	1.00	0	0	4,655,235	4,655,235
<b>Total</b>	<b>2.00</b>	<b>\$0</b>	<b>\$0</b>	<b>\$4,755,372</b>	<b>\$4,755,372</b>	<b>2.00</b>	<b>\$0</b>	<b>\$0</b>	<b>\$4,755,235</b>	<b>\$4,755,235</b>

DP 2 - Drug Court Coordinator - The executive is requesting authority to expend federal funds to hire one FTE to be the Drug Court Coordinator in Montana. The coordinator would work with existing drug courts, gather data from these courts and other sources, assist in the start-up of new drug courts, and monitor and report on the effectiveness of the all drug court operations. In addition to these basic activities, the coordinator will be charged with developing a State Drug Treatment Court Advisory Committee (SDTCAC) and to work in consultation with the SDTCAC to develop a statewide

procedure for planning, implementation, promotion, key leader and practitioner training, technical assistance, process and outcome evaluation and, sustainability strategies of Drug Treatment Court activity in Montana.

DP 3 - Homeland Security - Law Enforcement Terrorism Prev (LETPP)- The executive is requesting authority to expend \$4,655,372 in FY 2006 and \$4,655,235 in FY 2007 for federal grant funding that is expected to be received from the U.S. Department of Homeland Security, Office of Domestic Preparedness. This grant will cover costs to operate the program and hire 1.0 FTE. The FTE will be a program specialist in charge of administering this grant program. Administrative funds from this grant are expected to be \$58,238 in FY 2006 and \$56,438 in FY 2007.

#### **LFD COMMENT**

The Office of Domestic Preparedness requires that the state obligate not less than 80 percent of LETPP funds to local government with the remainder going to the state. This allocation must take place within 60 days after the grant award. Not more than 3 percent of the grant may be used for administration.

The LETPP is designed to provide law enforcement communities with enhanced capabilities for detecting, deterring, disrupting, and preventing acts of terrorism. The LETPP grant would provide law enforcement communities with funds for the following activities:

- 1) Information sharing to preempt terrorist attacks
- 2) Target hardening to reduce vulnerability of selected high value targets
- 3) Threat recognition to recognize the potential or development of a threat
- 4) Intervention activities to interdict terrorists before they can execute a threat
- 5) Interoperable communications
- 6) Management and administration

#### **LFD COMMENT**

The legislature has adopted vacancy savings on personal services for a number of biennia. The executive is recommending a vacancy savings rate of 4 percent on all personal services, with the exception of agencies with 20.0 or fewer FTE, and a number of other exceptions. The legislative policy on vacancy savings has generally mirrored the executive recommendation. Because the agency currently has 19.0 FTE, it is exempted from vacancy savings in the executive budget. If these 2.0 FTE were added, the agency would no longer be eligible for an exemption under current legislative policy. A 4 percent vacancy savings rate is about \$41,000 each year, of which about \$25,000 would be general fund.

### **Language**

The Board of Crime Control administers several federal pass-through grants that have authority for three-years, on a federal fiscal year basis which begins on October 1 and ends on the following September 30. To provide continuing authority for the pass-through grants, these grants are biennial appropriations and the following language allows prior biennium grant authority to continue into the 2007 biennium.

The executive recommends the following language for inclusion in HB2. "All remaining federal pass-through grants appropriation, including reversions, for the 2005 biennium are authorized to continue and are appropriated in FY 2006 and FY 2007."